

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES HONORABLE,

Plaintiff,

Case No. 18-cv-10502
Hon. Matthew F. Leitman

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER (1) SUSTAINING OBJECTIONS (ECF #7) TO REPORT AND
RECOMMENDATION (ECF #6) AND (2) GRANTING PLAINTIFF'S
AMENDED APPLICATION TO PROCEED
IN FORMA PAUPERIS (ECF #5)**

In this action, Plaintiff James Honorable seeks Social Security Disability Insurance Benefits. (*See* Compl., ECF #1.) On February 12, 2018, Honorable filed an application to proceed *in forma pauperis* and without prepayment of the filing fee (the “Initial IFP Application”). (*See* Initial IFP Application, ECF #2.) In the Initial IFP Application, Honorable claimed that he was not earning any wages and did not have any assets. (*See id.*)

On February 13, 2018, the assigned Magistrate Judge issued an order to show cause because she found that the Initial IFP Application was “incomplete” and did not provide “a sufficient basis to determine whether or not [Honorable] can proceed without prepayment of the filing fee.” (Show Cause Order, ECF #4 at Pg. ID 8-9.)

Honorable responded to the show cause order on the same day that it was issued by filing an amended application to proceed *in forma pauperis* that reflected his current wages and assets (the “Amended IFP Application”). (See Amended IFP Application, ECF #5.) The Magistrate Judge thereafter issued a report and recommendation in which she recommended that the Court deny the Amended IFP Application due, in part, to the discrepancies between the two applications (the “R&R”). (See R&R, ECF #6.)

Honorable filed timely objections to the R&R (the “Objections”). (See Objections, ECF #7.) Honorable’s counsel explained in the Objections that the submission of the Initial IFP Application was a clerical error and that as soon as counsel realized that mistake, counsel immediately filed the Amended IFP Application. (See *id.*) The Court accepts the representations of Honorable’s counsel. It therefore **SUSTAINS** the Objections (ECF #7) and **GRANTS** the Amended IFP Application (ECF #5). Honorable may proceed *in forma pauperis* and without prepayment of the filing fee in this action.

IT IS SO ORDERED.

Dated: April 16, 2019

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 16, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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